

UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

FCC's Efforts To Promote  
"Advanced Communications  
Capabilities" )  
)  
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FCC Docket 04-54

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MOTION FOR EXTENSION OF REPLY COMMENTS DEADLINE  
BY DON SCHELLHARDT, ESQUIRE  
AND NICKOLAUS E. LEGGETT

Acting as individuals, Don Schellhardt, Esquire and Nickolaus E. Leggett submit this Motion to extend the currently scheduled Reply Comments deadline in FCC Docket 04-54. We request extension of the Reply Comments deadline from Monday, May 24 to Wednesday, June 9.

The current Reply Comments deadline allows for a Reply Comments period of only 14 days. The Reply Comments period customarily allowed by the FCC is 30 days: slightly more than twice as much time.

The Commission has given no explanation of why commenting parties should not be allowed the customary amount of time to prepare and file their Reply Comments. In the absence of a clear, compelling explanation of the "need for speed" -- *and* in the absence of any apparent facts which "speak for themselves" on this point -- we believe the normal length of time should be available to commenting parties.

If the Commission now believes that *14 days* should become the customary Reply Comments period, instead of 30 days, it should issue a proposed rulemaking that will

require the FCC to explain its reasoning *and also* to solicit public comments on the contemplated procedural change. A procedural change pursued by “stealth” will, at best, breed suspicion and undercut the FCC’s credibility. At worst, it could breed lawsuits -- and injunctions.

In this Docket, we ask for restoration of a Reply Comments period of customary length. If there *are* factors which make it reasonable, or even necessary, for the Commission to cut the usual Reply Comments period in half, we ask the Commission to identify those factors for the rest of us.

Respectfully submitted,

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